

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2231

Introduced by Assembly Member Hayashi

February 20, 2008

~~An act to amend Section 3043 of the Penal Code, relating to parole.~~
An act to amend Sections 26840.10 and 26840.11 of the Government Code, to amend Sections 103627 and 103628 of the Health and Safety Code, and to amend Sections 18309 and 18309.5 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2231, as amended, Hayashi. ~~Parole hearings: victim notification.~~
Marriage licenses: vital records: fees: domestic violence.

Existing law requires the collection of fees for issuing marriage licenses and for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license or a certified copy of any of the above vital records is issued may be collected by the county clerks for deposit into these funds.

Existing law authorizes the Alameda County Board of Supervisors and the Solano County Board of Supervisors, until January 1, 2010, upon making certain findings and declarations, to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of \$2. Existing law authorizes those boards of supervisors, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in the fees

for certified copies of certain vital records, up to a maximum increase of \$2. Existing law authorizes those governmental entities to make further increases in those fees each year, as specified. Existing law requires these fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill would extend the operation of these provisions until January 1, 2015.

~~Existing law, as added by Proposition 8, requires, upon request, notice of any hearing to review or consider parole suitability or the setting of parole for any prisoner be sent to the victim or the next of kin at least 30 days before the hearing.~~

~~This bill would make a technical, nonsubstantive change to existing law.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26840.10 of the Government Code is
2 amended to read:

3 26840.10. (a) The Alameda County Board of Supervisors,
4 upon making findings and declarations ~~for~~ on the need for
5 governmental oversight and coordination of the multiple agencies
6 dealing with domestic violence, may authorize an increase in the
7 fees for marriage licenses and confidential marriage licenses, up
8 to a maximum increase of two dollars (\$2).

9 (b) Effective July 1 of each year, the Alameda County Board
10 of Supervisors may authorize an increase in these fees by an
11 amount equal to the increase in the Consumer Price Index for the
12 San Francisco metropolitan area for the preceding calendar year,
13 rounded to the nearest half-dollar (\$0.50). The fees shall be
14 allocated pursuant to Section 18309 of the Welfare and Institutions
15 Code.

16 (c) In addition to the fee prescribed by Section 26840.1, in
17 Alameda County, the person issuing authorization for the
18 performance of a marriage or confidential marriage, or the county
19 clerk upon providing a blank authorization form pursuant to Part
20 4 (commencing with Section 500) of Division 3 of the Family
21 Code, shall collect the fees specified in subdivisions (a) and (b),
22 at the time of providing the authorization.

(d) The Alameda County Board of Supervisors shall submit to the Assembly ~~Judiciary Committee and the Senate Judiciary Committee and Senate Committees on Judiciary~~, no later than July 1, 2009, a report containing the following information:

(1) The annual amounts of funds received and expended from fee increases for the purpose of governmental oversight and coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

(2) Outcomes achieved as a result of the activities associated with the implementation of this section.

(e) This section shall remain in effect only until January 1, ~~2010~~ 2015, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 2. Section 26840.11 of the Government Code is amended to read:

26840.11. (a) The Solano County Board of Supervisors, upon making findings and declarations ~~for~~ on the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the Solano County Board of Supervisors may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest one-half dollar (\$0.50). The fees shall be allocated pursuant to Section 18309.5 of the Welfare and Institutions Code.

(c) In addition to the fee prescribed by Section 26840.1, in Solano County, the person issuing authorization for the performance of a marriage or confidential marriage, or the county clerk upon providing a blank authorization form pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code, shall collect the fees specified in subdivisions (a) and (b), at the time of providing the authorization.

(d) The Solano County Board of Supervisors shall submit to the Assembly and Senate Committees on Judiciary, no later than July 1, 2009, a report containing the following information:

(1) The annual amounts of funds received and expended from fee increases for the purpose of governmental oversight and

1 coordination of domestic violence prevention, intervention, and
2 prosecution efforts in the county.

3 (2) Outcomes achieved as a result of the activities associated
4 with the implementation of this section.

5 (e) This section shall remain in effect only until January 1, ~~2010~~
6 2015, and as of that date is repealed, unless a later enacted statute,
7 that is enacted before January 1, 2010, deletes or extends that date.

8 *SEC. 3. Section 103627 of the Health and Safety Code is*
9 *amended to read:*

10 103627. (a) (1) The Alameda County Board of Supervisors ,
11 upon making findings and declarations supporting the need for
12 governmental oversight and coordination of the multiple agencies
13 dealing with domestic violence, may authorize an increase in the
14 fees for certified copies of marriage certificates, birth certificates,
15 fetal death records, and death records, up to a maximum increase
16 of two dollars (\$2).

17 (2) The City Council of the City of Berkeley, upon making
18 findings and declarations supporting the need for governmental
19 oversight and coordination of the multiple agencies dealing with
20 domestic violence, may authorize an increase in the fees for
21 certified copies of birth certificates, fetal death records, and death
22 records, up to a maximum increase of two dollars (\$2).

23 (b) Effective July 1 of each year, the Alameda County Board
24 of Supervisors and the City Council of the City of Berkeley may
25 authorize an increase in these fees by an amount equal to the
26 increase in the Consumer Price Index for the San Francisco
27 metropolitan area for the preceding calendar year, rounded to the
28 nearest half-dollar (\$0.50). The fees shall be disposed of pursuant
29 to the provisions of Section 18309 of the Welfare and Institutions
30 Code.

31 (c) In addition to the fees prescribed by subdivisions (a) and
32 (b), any applicant for a certified copy of a birth certificate, a fetal
33 death record, or death record in Alameda County or in the City of
34 Berkeley shall pay an additional fee to the local registrar, county
35 recorder, or county clerk, as applicable, as established by the
36 Alameda County Board of Supervisors or the City Council of the
37 City of Berkeley.

38 (d) This section shall remain in effect only until January 1, ~~2010~~
39 2015, and as of that date is repealed, unless a later enacted statute
40 deletes or extends that date.

1 *SEC. 4. Section 103628 of the Health and Safety Code is*
2 *amended to read:*

3 103628. (a) The Solano County Board of Supervisors, upon
4 making findings and declarations ~~for~~ on the need for governmental
5 oversight and coordination of the multiple agencies dealing with
6 domestic violence, may authorize an increase in the fees for
7 certified copies of marriage certificates, birth certificates, fetal
8 death records, and death records, up to a maximum increase of
9 two dollars (\$2).

10 (b) Effective July 1 of each year, the Solano County Board of
11 Supervisors may authorize an increase in these fees by an amount
12 equal to the increase in the Consumer Price Index for the San
13 Francisco metropolitan area for the preceding calendar year,
14 rounded to the nearest one-half dollar (\$0.50). The fees shall be
15 allocated pursuant to Section 18309.5 of the Welfare and
16 Institutions Code.

17 (c) In addition to the fees prescribed by subdivisions (a) and
18 (b), any applicant for a certified copy of a birth certificate, a fetal
19 death record, or death record in Solano County shall pay an
20 additional fee to the local registrar, county recorder, or county
21 clerk as established by the Solano County Board of Supervisors.

22 (d) This section shall remain in effect only until January 1, 2010
23 2015, and as of that date is repealed, unless a later enacted statute,
24 that is enacted before January 1, 2010, deletes or extends that date.

25 *SEC. 5. Section 18309 of the Welfare and Institutions Code is*
26 *amended to read:*

27 18309. (a) The Alameda County Board of Supervisors shall
28 direct the local registrar, county recorder, and county clerk to
29 deposit fees collected pursuant to Section 26840.10 of the
30 Government Code and Section 103627 of the Health and Safety
31 Code into a special fund. The county may retain up to 4 percent
32 of the fund for administrative costs associated with the collection
33 and segregation of the additional fees and the deposit of these fees
34 into the special fund. Proceeds from the fund shall be used for
35 governmental oversight and coordination of domestic violence
36 and family violence prevention, intervention, and prosecution
37 efforts among the court system, the district attorney's office, the
38 public defender's office, law enforcement, the probation
39 department, mental health, substance abuse, child welfare services,
40 adult protective services, and community-based organizations and

1 other agencies working in Alameda County in order to increase
2 the effectiveness of prevention, early intervention, and prosecution
3 of domestic and family violence.

4 (b) The City Council of the City of Berkeley shall direct the
5 local registrar to deposit fees collected pursuant to Section 103627
6 of the Health and Safety Code into a special fund. The city may
7 retain up to 4 percent of the fund for administrative costs associated
8 with the collection and segregation of the additional fees and the
9 deposit of these fees into the special fund. Proceeds from the fund
10 shall be used for governmental oversight and coordination of
11 domestic violence and family violence prevention and intervention
12 efforts, including law enforcement, mental health, public health,
13 substance abuse, victim advocacy, community education, and
14 housing, in order to increase the effectiveness of prevention, early
15 intervention, and prosecution of domestic and family violence.

16 (c) This section shall remain in effect only until January 1, ~~2010~~
17 ~~2015~~, and as of that date is repealed, unless a later enacted statute
18 deletes or extends that date.

19 *SEC. 6. Section 18309.5 of the Welfare and Institutions Code*
20 *is amended to read:*

21 18309.5. (a) The Solano County Board of Supervisors shall
22 direct the local registrar, county recorder, and county clerk to
23 deposit fees collected pursuant to Section 26840.11 of the
24 Government Code and Section 103628 of the Health and Safety
25 Code into a special fund.

26 The county may retain up to 4 percent of the fund for
27 administrative costs associated with the collection and segregation
28 of the additional fees and the deposit of these fees into the special
29 fund. Proceeds from the fund shall be used for governmental
30 oversight and coordination of domestic violence and family
31 violence prevention, intervention, and prosecution efforts among
32 the court system, the district attorney's office, the public defender's
33 office, law enforcement, the probation department, mental health,
34 substance abuse, child welfare services, adult protective services,
35 and community-based organizations and other agencies working
36 in Solano County in order to increase the effectiveness of
37 prevention, early intervention, and prosecution of domestic and
38 family violence.

39 (b) This section shall remain in effect only until January 1, 2010,
40 and as of that date is repealed, unless a later enacted statute, that

1 is enacted before January 1, ~~2010~~ 2015, deletes or extends that
2 date.

3 ~~SECTION 1. Section 3043 of the Penal Code is amended to~~
4 ~~read:~~

5 ~~3043. (a) Upon request, notice of any hearing to review or~~
6 ~~consider the parole suitability or the setting of a parole date for~~
7 ~~any prisoner in a state prison shall be sent by the Board of Parole~~
8 ~~Hearings at least 30 days before the hearing to any victim of a~~
9 ~~crime committed by the prisoner, or to the next of kin of the victim~~
10 ~~if the victim has died. The requesting party shall keep the board~~
11 ~~apprised of his or her current mailing address.~~

12 ~~(b) The victim, next of kin, two members of the victim's~~
13 ~~immediate family, or two representatives designated for a particular~~
14 ~~hearing by the victim or, in the event the victim is deceased or~~
15 ~~incapacitated, by the next of kin in writing prior to the hearing~~
16 ~~have the right to appear, personally or by counsel, at the hearing~~
17 ~~and to adequately and reasonably express his, her, or their views~~
18 ~~concerning the crime and the person responsible, except that any~~
19 ~~statement provided by a representative designated by the victim~~
20 ~~or next of kin shall be limited to comments concerning the effect~~
21 ~~of the crime on the victim.~~

22 ~~(c) A representative designated by the victim or the victim's~~
23 ~~next of kin for purposes of this section must be either a family or~~
24 ~~household member of the victim. The board may not permit a~~
25 ~~representative designated by the victim or the victim's next of kin~~
26 ~~to provide testimony at a hearing, or to submit a statement to be~~
27 ~~included in the hearing as provided in Section 3043.2, if the victim,~~
28 ~~next of kin, or a member of the victim's immediate family is~~
29 ~~present at the hearing, or if the victim, next of kin, or a member~~
30 ~~of the victim's immediate family has submitted a statement as~~
31 ~~described in Section 3043.2.~~

32 ~~(d) Nothing in this section is intended to allow the board to~~
33 ~~permit a victim's representative to attend a particular hearing if~~
34 ~~the victim, next of kin, or a member of the victim's immediate~~
35 ~~family is present at any hearing covered in this section, or if the~~
36 ~~victim, next of kin, or member of the victim's immediate family~~
37 ~~has submitted a written, audiotaped, or videotaped statement.~~

38 ~~(e) The board, in deciding whether to release the person on~~
39 ~~parole, shall consider the statements of the victim or victims, next~~
40 ~~of kin, immediate family members of the victim, and the designated~~

1 ~~representatives of the victim or next of kin, if applicable, made~~
2 ~~pursuant to this section and shall include in its report a statement~~
3 ~~of whether the person would pose a threat to public safety if~~
4 ~~released on parole.~~

5 ~~In those cases where there are more than two immediate family~~
6 ~~members of the victim who wish to attend any hearing covered in~~
7 ~~this section, the board may, in its discretion, allow attendance of~~
8 ~~additional immediate family members or limit attendance to the~~
9 ~~following order of preference: spouse, children, parents, siblings,~~
10 ~~grandchildren, and grandparents.~~

11 ~~The provisions of this section shall not be amended by the~~
12 ~~Legislature except by statute passed in each house by rolleall vote~~
13 ~~entered in the journal, two-thirds of the membership concurring,~~
14 ~~or by a statute that becomes effective only when approved by the~~
15 ~~electors.~~